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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,441	11/30/2006	Volkmar Offermann	284853US6PCT	5007
22850	7590	09/22/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				PAYNE, SHARON E
ART UNIT		PAPER NUMBER		
2875				
			NOTIFICATION DATE	DELIVERY MODE
			09/22/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/567,441	OFFERMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHARON E. PAYNE	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 May 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 is indefinite for reciting the limitation "wherein the second power measured per unit area of coating is greater than the first power measured per unit area of coating." What is "power measured per unit area of coating"?

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18, 21-22 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan et al. (U.S. Patent 5,036,248) in view of Chang (U.S. Patent 4,245,882).

Regarding claim 18, McEwan et al. discloses at least one substrate (22), one coating arranged on a surface of the substrate (column 2, lines 55-60) including a

plurality of electroluminescent elements arranged next to one another (abstract, Fig. 1) in different parts of the coating (Fig. 1), a surface of the plurality of electroluminescent elements is configured to emit a light having a first power (Fig. 1), and at least one separate electroluminescent element configured to emit light having a second power (column 2, lines 60-67). McEwan does not disclose the flat optical element.

Chang discloses a flat optical device configured to concentrate the light emitted by the at least one separate element into a tapered light beam (Fig. 2b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the optic of Chang in the apparatus to focus an individual light. See Fig. 2b of Chang.

Concerning claim 22, McEwan does not disclose a flat optical device. Chang discloses the flat optical device including a plane lens (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the optic of Chang in the apparatus to focus an individual light. See Fig. 2b of Chang.

Regarding claim 32, McEwan et al. discloses a flat luminous element that includes at least one substrate (22), one coating arranged on a surface of the substrate (column 2, lines 55-60) including a plurality of electroluminescent elements arranged next to one another (abstract, Fig. 1) in different parts of the coating (Fig. 1), a surface of the plurality of electroluminescent elements is configured to emit a light having a first power (Fig. 1), and at least one separate electroluminescent element configured to emit

light having a second power (column 2, lines 60-67). McEwan does not disclose the flat optical element.

Chang discloses a flat optical device configured to concentrate the light emitted by the at least one separate element into a tapered light beam (Fig. 2b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the optic of Chang in the apparatus to focus an individual light. See Fig. 2b of Chang.

Regarding claim 33, McEwan et al. discloses a flat luminous element that includes at least one substrate (22), one coating arranged on a surface of the substrate (column 2, lines 55-60) including a plurality of electroluminescent elements arranged next to one another (abstract, Fig. 1) in different parts of the coating (Fig. 1), a surface of the plurality of electroluminescent elements is configured to emit a light having a first power (Fig. 1), and at least one separate electroluminescent element configured to emit light having a second power (column 2, lines 60-67). McEwan does not disclose the flat optical element.

Chang discloses a flat optical device configured to concentrate the light emitted by the at least one separate element into a tapered light beam (Fig. 2b).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the optic of Chang in the apparatus to focus an individual light. See Fig. 2b of Chang.

4. Claims 19, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang as applied to claim 18 above, and further in view of West (U.S. Patent 6,974,229).

Concerning claim 19, McEwan and Chang do not disclose an element that deviates. West et al. discloses the flat optical device being configured to deviate the tapered light beam (Fig. 3, top).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of West in the apparatus of McEwan and Chang to further direct the light.

Regarding claim 22, McEwan does not disclose a plane lens. Chang discloses a plane lens (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the optic of Chang in the apparatus to focus an individual light. See Fig. 2b of Chang.

Regarding claim 27, McEwan and Chang do not disclose an element that deviates. West et al. discloses the direction of emission of the light from the at least one separate electroluminescent element deviates from the normal to a plane of the at least one substrate (Figs. 3 and 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of West in the apparatus of McEwan and Chang to further direct the light.

Claims 20-21, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan and Chang in view of Golle et al. (U.S. Patent 2004/0114349 A1).

Regarding claim 20, McEwan and Chang do not disclose sandwiched light sources. Golle discloses an additional substrate, at least one of the substrates being transparent to the light emitted by the electroluminescent elements and the light emitted by the at least one separate electroluminescent element, wherein the plurality of electroluminescent elements and the at least one separate electroluminescent element are disposed between the two substrates (Fig. 2, paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of West et al. to inform a viewer. See Fig. 2 of Golle et al.

Concerning claim 21, McEwan and Chang do not disclose the optical device on the transparent substrate. Golle et al. discloses the flat optical device being disposed on the at least one substrate that is transparent to the light emitted by the plurality of electroluminescent elements and the light emitted by the at least one separate electroluminescent element (opaque layer, paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of McEwan and Chang et al. to inform a viewer. See Fig. 2 of Golle et al.

Concerning claim 26, McEwan and Chang do not disclose a transparent substrate. Golle et al. discloses at least part of the light emitted by the at least one

separate electroluminescent element is guided inside the at least one substrate that is transparent to the light emitted by the plurality of electroluminescent elements and the light emitted by the at least one separate electroluminescent element, acting as a light waveguide, and the at least part of the light is emitted elsewhere away from the at least one separate electroluminescent element (paragraph 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of McEwan and Chang to inform a viewer. See Fig. 2 of Golle et al.

Regarding claim 31, McEwan and Chang do not disclose an opaque coating. Golle et al. discloses in a region of the surface of the separate luminous element, an opaque coating, along which the exiting light is deviated by the optical device (paragraph 0027).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Golle et al. in the apparatus of McEwan and Chang to inform a viewer. See Fig. 2 of Golle et al.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang and further in view of Tai (U.S. Patent 5,854,872).

Regarding claim 23, McEwan and Chang does not disclose a holographic element as described in the claim. Tai discloses the flat optical device is a holographic element, including a film with microprisms, that is transparent to the light emitted by the at least one separate electroluminescent element and configured to deviate the light

emitted by the at least one separate electroluminescent element (column 12, lines 10-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Tai in the apparatus of McEwan and Chang to make the apparatus more efficient in its use of light (abstract of Tai).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang and further in view of Macher et al. (U.S. Patent 6,641,276).

Regarding claim 24, McEwan and Chang do not disclose a transparent plane mirror. Macher et al. discloses the optical device including a plane mirror that is transparent to the light emitted by the at least one separate electroluminescent element and configured to deviate the light emitted by the at least one separate electroluminescent element (column 2, lines 40-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Macher et al. in the apparatus of McEwan and Chang to light the interior of a motor vehicle (abstract of Macher et al.).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang and further in view of West et al. Prior Art.

Regarding claim 25, McEwan and Chang do not disclose the optical device being directly on the electroluminescent element. West et al. Prior Art discloses the optical

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device being disposed directly onto the electroluminescent element (Fig. 1, Prior Art, West et al.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of West et al. Prior Art in the apparatus of McEwan and Chang to enhance the brightness of the luminous element. (See West et al., Fig. 1, Prior Art).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang and further in view of Central Glass (JP 05330381 A).

Regarding claim 28, McEwan and Chang do not disclose an antireflection layer. Central Glass discloses an antireflection layer provided at least at a place of exit of a light ray from the separate electroluminescent element (abstract, Figs. 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Central Glass in the apparatus of McEwan and Chang et al. to keep a driver driving behind the car from being dazzled by stray light. See the English abstract of Central Glass.

9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McEwan in view of Chang and further in view of Suman (U.S. Patent 5,223,814).

Regarding claim 29, McEwan and Change do not disclose a switch. Suman discloses at least one switching element for connecting and/or disconnecting the at least one separate electroluminescent element (column 4, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Suman in the apparatus of McEwan and Chang to enable a user to turn the light on and off. See column 4, lines 45-55, of Suman.

Concerning claim 30, McEwan and Chang do not disclose a switch. Suman disclose a touch detector associated with one surface of the luminous element (column 4, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Suman illumination of McEwan and Chang to enable a user to turn the light on and off. See column 4, lines 45-55, of Suman.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHARON E. PAYNE whose telephone number is (571)272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/  
Primary Examiner, Art Unit 2875

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